

POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORK PLACE


[In compliance of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013]

Goods and Services Tax Network

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Prevention of Sexual Harassment at work place		 <small>GOODS AND SERVICES TAX NETWORK</small>
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1. PURPOSE AND OBJECTIVES

- i. Goods and Service Tax Network (hereinafter “GSTN”) is committed to providing work environment that encourages professional growth and is dedicated in ensuring that all its employees are treated with dignity and equality.
- ii. The objective of this policy is to provide protection against Sexual Harassment of women at Workplace and for the prevention and redressal of complaints of Sexual Harassment and for matters connected therewith.
- iii. GSTN has zero tolerance towards Sexual Harassment and is committed to take all necessary steps to ensure any woman in its Work Place is not subjected to any form of Sexual Harassment.

2. SCOPE OF THE POLICY

- i. This policy applies to all categories of Employee(s) and the Aggrieved Women.

3. REFERENCE

- 3.1 **“Aggrieved Woman”**:- means a woman, of any age, whether employed or not by GSTN, who alleges to have been subjected to any act of Sexual Harassment by the Respondent at GSTN’s Workplace;
- 3.2 **“Company”**:- means Goods and Services Tax Network (GSTN) which for the purpose of this policy shall include the management of GSTN and other GSTN’s employee/s.
- 3.3 **“ICC”**:- means Internal Complaints committee constituted by GSTN in compliance of the requirement of Section 4 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- 3.4 **“Workplace/workplace”**:- The workplace means and includes, in relation to GSTN:
 - i. All offices or other premises where the GSTN’s business is conducted.
 - ii. Any other site away from GSTN’s premises where GSTN related activities are performed.
 - iii. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.
- 3.5 **“Sexual Harassment”**:- (1) Sexual harassment means and includes any incident or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature. Without limiting the generality of the foregoing provisions Sexual Harassment at the workplace includes:
 - i. physical contact and advances



- ii. unwelcome sexual advances (verbal, written or physical or through any other medium),
- iii. demand or request for sexual favours,
- iv. making sexually coloured remarks
- v. showing any objectionable content including but not limited to pornography
- vi. verbal abuse or 'joking' that is sex-oriented,
- vii. any other type of sexually-oriented conduct,

(2) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of Sexual Harassment may amount to Sexual Harassment:-

- i. humiliating treatment likely to affect her health or safety
- ii. implied or explicit promise of preferential treatment in her employment;
- iii. implied or explicit threat of detrimental treatment in her employment;
- iv. interference with her work or creating an intimidating or offensive or hostile work environment for her;
- v. humiliating treatment likely to interference with her work or creating an intimidating or offensive or hostile work environment for her;
- vi. any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions.

3.6 "**Employee/employee**":- means and includes a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether, for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

3.7 "**Respondent**" means a person against whom a complaint has been made by the Aggrieved Woman or any other person on her behalf.

3.8 "**Employer/employer**" means and includes any person responsible for management, supervision and control of the workplace.

4. RESPONSIBILITIES OF EMPLOYEES REGARDING PREVENTION OF SEXUAL HARASSMENT:

- i. All employees shall maintain an appropriate standard of conduct with his/her colleagues.
- ii. An employee shall be personally responsible for adherence to the laid down Code of Conduct in relation to this policy, in his/her range of work.
- iii. An employee shall ensure that he/she shall not get involved, directly or indirectly, at workplace, in any inappropriate act, conduct, conversation or dealings in his/her official, private and personal spheres.

5. INTERNAL COMPLAINTS COMMITTEE:

- i. Initially, and till further notice, the Internal Complaints Committee of GSTN will comprise of the following members:-

S. No	Name	Designation	ICC Membership Details
1.	Ms. Karuna Chadila	VP (Customer Service)	Presiding Officer
2.	Shri Mohammad Shadaab	AVP (Legal)	Member
3.	Ms. Neera Tamta	Manager (Learning & Development)	Member
4.	Shri Anil Chhatwal	Senior Manager (Finance)	Member
5.	Ms Aashima Johur	Advocate	Independent Member

- iii. The ICC shall be responsible for:
 - a. Investigating every formal written complaint of Sexual Harassment.
 - b. Taking appropriate remedial measures to respond to any substantiated allegations of Sexual Harassment.
 - c. Discouraging and preventing employment-related sexual harassment.

6. TERM OF ICC:

- i. The Presiding Officer and every Member of the ICC shall hold office for a period not exceeding three years from the date of nomination

7. COMPLAINT MECHANISM:



- i. An appropriate complaint mechanism has been created in the Company for time-bound redressal of the complaint against Sexual Harassment.
- ii. Any Aggrieved Woman may make, in writing (including email), a complaint of Sexual Harassment to the ICC, within a period of three months from the date of incident and in case of series of incidents, within a period of three months from the date of the last incident.

Provided where the ICC is satisfied that circumstances were such that prevented the Aggrieved Woman from filing a complaint within three months, the ICC may extend the time limit for reasons to be recorded in writing.

- iii. Where the Aggrieved Woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or any other employee of GSTN may make a complaint before ICC on her behalf.
- iv. The ICC shall maintain the records of complaints received and processed and outcome thereof.
- v. The ICC shall hold a meeting with the Complainant within five days of the receipt of the complaint, but no later than a week in any case.

8. CONCILIATION

- i. The ICC may before initiating Inquiry, at the request of the Aggrieved Woman, take steps to settle the matter between her and the Respondent.
- ii. Monetary settlement shall not be the basis of the settlement.
- iii. Where a settlement has been arrived at under Para 8(i) above, the ICC shall record the settlement arrived at and forward the same to the Employer.
- iv. The ICC shall provide copies of the settlement both to the Aggrieved Woman and the Respondent.
- v. Once a settlement has been arrived under Para 8(i) above, no further Inquiry shall be conducted by the ICC.

Provided that when the Aggrieved Woman informs the ICC that any term/condition of the settlement arrived under Para 8(i) above has not been complied with by the Respondent, the ICC shall make an Inquiry into the complaint

9. INQUIRY INTO THE COMPLAINT

- i. Upon receiving the complaint from an Aggrieved Woman, the ICC shall inform the Respondent employee in writing about the allegations made against him by the Aggrieved Woman and require him to appear before the ICC.
- ii. The ICC shall inquire the complaint, thoroughly and promptly, in a free, fair and independent manner.



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- iii. The Aggrieved Woman and the Respondent, during Inquiry, can submit any document to corroborate their claim.
- iv. The ICC shall hear both the parties during the Inquiry and a copy of findings shall be made available to the parties enabling them to make the representations against the findings before the committee.
- v. The ICC for the purpose of Inquiry may:-
 - a. examine any person in relation to the case.
 - b. require discovery and production of documents in relation to the case.
- vi. During the Inquiry upon a written request made by the Aggrieved Woman, ICC may recommend to the employer the following actions:-
 - a. grant leave to the Aggrieved Woman for a period of three months. The leave so granted shall be in addition to the leave she is otherwise entitled to.
 - b. grant such other relief as may be prescribed.
- vii. Upon the recommendation of the ICC, the Company shall implement such recommendation and send a report of such implementation to the ICC.
- viii. The ICC upon completion of the Inquiry shall make a report ("Inquiry Report") of its findings to the Company within 10 days of the completion of the Inquiry and the Inquiry Report shall be made available to the Aggrieved Woman and the Respondent. The Inquiry Report shall include details of the allegations levelled by the Aggrieved Woman, the defences raised by the Respondent, details corroborative material provided by the Aggrieved Woman and the Respondent, details of any other document or statements of persons examined by the ICC and findings of the ICC.
- ix. Where the ICC arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Company-
 - a. to take action for Sexual Harassment as a misconduct in accordance with the provisions of the Service Rules applicable to the Respondent or where no such service rules have been made, in such manner as may be prescribed;
 - b. to deduct from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Aggrieved Woman or to her legal heirs, as it may determine, in accordance with the provisions of 'Determination of Compensation' as set out in Section 15 of the **Sexual Harassment of Women at Workplace** (Prevention, Prohibition and Redressal) **Act, 2013**.

Provided that in case the Employer is unable to make such deduction from the salary of the Respondent due to his being absent from duty or cessation of employment, it may direct to the Respondent to pay such sum to the Aggrieved Woman:

Provided further that in case the Respondent fails to pay the sum referred to in clause (b), the ICC may forward the order to recovery of the sum as an arrear of Land Revenue to the concerned District Officer.



- x. The Employer shall act on the recommendation of the ICC within 60 days.
- xi. Sufficient precaution will be taken by the organization to ensure that complete confidentiality is maintained and no form of discrimination is faced by the Employee who has escalated the complaint
- xii. The person filing the complaint will be informed of the outcome of the investigation. As far as possible, all efforts will be made to complete the investigation within 30 days from the date of the complaint

10. DISCIPLINARY ACTION

If the ICC’s inquiry report reveals that Sexual Harassment has been committed by the Employee, prompt and appropriate disciplinary action will be taken, as may be decided by the Chairman/CEO. Such action(s) may include written or verbal warnings, or termination of employment and/or even taking any other action in accordance with the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**.

11. ACTION AGAINST FALSE COMPLAINTS

- i. False accusations of Sexual Harassment or other unlawful behavior can be damaging to a Respondent and disruptive to the Company’s operations. Intentional misuse/abuse of this policy shall also result in strict disciplinary action against the employee misusing/abusing the policy.
- ii. Where the ICC arrives at a conclusion that the allegation against the Respondent is malicious or the Aggrieved Woman has made the complaint knowing it to be false or the Aggrieved Woman has produced any forged or misleading document, it may recommend to the Employer to take disciplinary action against such a woman;

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the Aggrieved Woman.

Provided further that the malicious intent on part of the complainant shall be established after an inquiry before any action is recommended.

12. CONCLUSION

- i. Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior.
- ii. All efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.
- iii. The identity and address of the Aggrieved Woman, Respondent and witnesses must not be published or disclosed to the public or media.



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- iv. Utmost secrecy shall be maintained at all times regarding the details of the complaint/allegations/case/proceedings of the Inquiry (“Details”) etc and Details thereof shall not be discussed by any member of the ICC/Aggrieved Woman/Respondent/any person called for examination or production of documents during the course of Inquiry/any employee for any purpose other than this policy.
- v The decision of the Company shall be final and binding on all. However, the same is without prejudice to any recourse that the Company or the individual concerned may have against the Respondent and it shall not limit or restrict the rights of the Complainant and/or the Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.
- vi This policy may from time to time be revised to ensure compliance with the applicable laws.

